

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIE HAYES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION No. 08-682
)	Judge Nora Barry Fischer
)	Magistrate Judge Bissoon
HARRY WILSON, et al.)	
)	
Defendants.)	

MEMORANDUM ORDER

Willie Hayes's ("Hayes" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received along with a petition to proceed in forma pauperis on May 19, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on July 10, 2008, recommended that the action be dismissed without prejudice due to the Plaintiff's failure to authorize the withdrawal of funds from his prison account to pay the filing fee. The parties were allowed ten days from the date of service to file objections. Service was made on Plaintiff by First Class United States Mail at his place of incarceration, the State Correctional Institution at Fayette. The Plaintiff's objections were due on or before July 28, 2008, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 11th day of August, 2008,

IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT PREJUDICE.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 6), dated July 10, 2008, is adopted as the opinion of the court.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Court Judge

CC:
WILLIE HAYES
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